

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars:

1. Rejection under 35 U.S.C. §102(b)

With respect to the rejection of claims 1-3 under 35 U.S.C. §102(b) as being anticipated by Ueda et al. (US 2004/0075351, which is now issued as US 6,847,139), Applicant respectfully traverses the rejection at least for the reason that Ueda fails describe each and every limitation recited in the rejected claims.

Claim 1 of the present invention recites, among other features, a plurality of secured positions(3e) for said magnetic circuit part(2) and said suspension(3) are prepared so as to be close to each other, and a distance between said securing planned position(3e) and a central vibration position of said suspension(3) and said housing(1) is changed by selecting a securing planned position(3e) suitable for a characteristic of said suspension(3) to be mounted and suitable also for a weight of said magnetic circuit part(2) from said secured positions(3e) and securing using said securing planned position(3e). The plurality of secured positions (3e) is shown in Figs. 4 and 5 of the present application.

With respect to the rejection of claim 1, the Examiner appears to have failed to address the plurality of secured positions (3e) claimed by Applicant. In the rejection, the Examiner contends that “a secured planned position (2)” is used for changing the characteristic of suspension (5). The Examiner appears to be implying citing sloped 22h of Ueda as a means for changing the planned position that is equivalent to the plurality of secured positions (3c) of claim 1 of the present invention. However, Applicant respectfully submits that tapered portion 22h, as well as tapered portions 22f-22g, is for fixing the suspension and the magnetic part. Paragraphs [0106] – [0108] of Ueda are summarized below:

[0106] Arranged positions and lengths in a radial direction of the projecting flange portions 22c to 22e are predetermined such that the projecting flange

portions 22c to 22e will not overlap with the fixing pieces 53a to 53c in order not to contact with the fixing pieces 53a to 53c when the magnetic circuit part 2 vibrates upward and reaches a top dead center. Further, top portion surfaces of the projecting flange portions 22c to 22e are chamfered by taper portions 22f to 22h from positions that avoid contacts with the spring arms 52a to 52c when the magnetic circuit part 2 vibrates upward, which incline in a direction from the root portions 51a to 51c to the fixing pieces 53a to 53c.

[0107] The suspension 5 is, as shown in FIG. 26, assembled and fixed on the yoke plate 22 by engaging the supporting portion 50 of the suspension 5 with the snap ring 22b of the yoke plate 22 and placing on a surface of the ring portion 22a, arranging the root portions 51a to 51c on top sides of non-taper surfaces of the projecting flange portions 22c to 22e, arranging the spring arms 52a to 52c on top sides of the taper portions 22f to 22h, and arranging the fixing pieces 53a to 53c near edge surfaces of the projecting portions 22c to 22e.

[0108] As shown in FIG. 27, since the above structure allows the spring arms 52a to 52c to deflect on the top sides of the taper portions 22f to 22h, the spring arms are assembled with the magnetic circuit part so as to allow the magnetic circuit part formed with a yoke plate 22 to vibrate largely to reach the top dead center.

As described in Ueda, the tapered portions 22f-22h are **not** equivalent to the plurality of secured planned positions (3e), which in contrast provides a flexible manner for changing the distance between secured planned positions (3e) and a central vibration position of the suspension (3) and the housing (1). Applicant respectfully asserts that the slopped member 22h of Ueda is structurally and functionally different from the plurality of secured planned positions (3e), and, hence, the slopped member 22h cannot be used to control the characteristic vibration mode of the vibrator as in the presently claimed invention.

Applicant respectfully asserts that the Examiner has failed to consider the Ueda its entirety as set forth in MPEP 2141.02(VI), and that the application of Ueda in the rejection is improper.

Consequently, since each and every feature of the present claims is not taught (and is not inherent) in Ueda, as is required by MPEP Chapter 2131 in order to establish anticipation, the rejection of claims 1-3 under 35 U.S.C. §102(b), as anticipated by Ueda is improper.

In view of the arguments set forth above, Applicant respectfully requests reconsideration and withdrawal of the §102(b) rejection of claim 1 and its dependent claims 2-3.

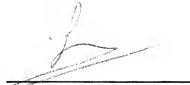
2. Conclusion

In view of the amendments to the claims, and in further view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is requested that claims 1-3 be allowed and the application be passed to issue.

Further, while no fees are believed to be due, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-4525.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's representative, the Examiner is invited to contact the undersigned at the numbers shown.

Respectfully submitted,



---

Luan C. Do

Registration No. 38,434

Studebaker & Brackett PC  
1890 Preston White Drive  
Suite 105  
Reston, Virginia 20191  
(703) 390-9051  
Fax: (703) 390-1277  
Luan.do@sbpatentlaw.com